

City of Cincinnati



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200600120

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February 10, 2006

MOTION

I move that the City Administration prepare a report that explores the possibility of creating a new ordinance that addresses possession of any amount of marijuana within the limits of the City of Cincinnati.

STATEMENT

After a considerable amount of research it has been determined that only in Ohio can a person possess 100 grams of marijuana and face only a \$100 fine. No arrest. No probation (i.e., community control). Nothing. All 49 other states have some form of physical arrest or community control. This includes states within a 400-mile radius of Ohio (i.e., Kentucky, Indiana, Michigan, Missouri, Illinois, Pennsylvania, Tennessee, West Virginia, Georgia, and Wisconsin).

On a local front, open-air drug dealing has increasingly become a problem on the streets of Cincinnati. The community of Over-the-Rhine, for example, has the highest crime rate of all our neighborhoods, much of which could be attributed to drugs. A recent study confirmed that 80% of those arrested in Over-the-Rhine did not live in the community.

As a former police officer and undercover drug enforcement officer who has worked the streets of Cincinnati, I can intelligently say that there are a number of Kentuckians purchasing drugs on Cincinnati streets. In a recent conversation with a current drug enforcement officer, he spoke of a young female from Kentucky that was arrested in Cincinnati for possession of marijuana. He asked her why did she come to Cincinnati to buy marijuana when she could buy it in Kentucky? Her response was, "Are you crazy? You can go to jail in Kentucky." According to police, the shooting in Hyde Park, behind Withrow High School, was a marijuana drug deal gone bad, one of many on Cincinnati's streets. In a recent Cincinnati Post article titled, Drug trade feel heat in city,

(01/31/06) Jim Liles, director of the Northern Kentucky Drug Strike Force stated, "There's still a lot of drug trafficking where people from Northern Kentucky go into Cincinnati to buy drugs."

Under current constitutional law, if an officer makes a stop in Cincinnati of a person possessing less than 100 grams of marijuana he can only issue a citation and send him on his way. The officer is not allowed to do a search of that person nor can he search a vehicle if there is one involved. Only a light pat down or visual search is permitted. This creates a problem simply because many guns and other contraband can be hidden on the person or in the vehicle and go undetected in this type of search. Under the new city ordinance, an officer will be able to conduct a complete search incidental to an arrest, including an inventory search of the vehicle. There are many incidents where guns and drugs have been found incidental to an arrest.

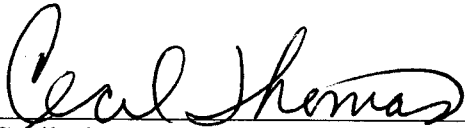
Under current law there is no form of community control or deterrent other than the threat of a \$100 fine. The new law will give the courts several options to deter recidivism, such as probation, increased fines, and mandatory treatment including education and/or community service. The \$100 fine has no real deterrent affect on those possessing marijuana and in my experience as a drug enforcement officer many dealers are savvy enough to always carry less than 100 grams at any given time to avoid a physical arrest, search and seizure.

Some have argued this will cause more problems for Sheriff Leis and jail over crowding. However, I refer to a Cincinnati Post article titled, Toughened penalty for pot has found support. (02/03/06) Steve Barrett said, "he (Sheriff Leis) doesn't see this as a huge problem, he could process non-violent offenders under the proposed law and release them with a court date instead of jailing them."

As stated before, current Ohio Law offers only a \$100 fine for possession of less than 100 grams. The current proposal will be asking the city administration to explore the possibility of adding a marijuana ordinance that will call for possession of any amount up to 200 grams a misdemeanor punishable 90 days to 6 months, \$1000 fine. 300 grams to 1000 grams, a misdemeanor punishable 6 months to 1 year and \$5000 fine. And 1000 grams or higher, the penalty will proceed in accordance with State Law.

To summarize, the intent of this new law is to:

1. Provide an additional search and seizure tool for law enforcement personnel in their continued effort to combat violence and remove guns and drugs from the streets of Cincinnati streets.
2. Bring Cincinnati's marijuana law in line with its boarder states of Kentucky and Indiana.
3. Deter those who live outside Cincinnati and surrounding states from coming into our communities to purchase marijuana.
4. Cut down on the profitability of open-air street dealing by deterring potential customers.
5. To cut down on the potential for Cincinnati as an attractive market for middle and high in dealers due to decrease demand.
6. Discourage and offer treatment through some form of community control.


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